

1 29. **ISSUE: INAPPROPRIATE AUTHORIZATION BY HENDERSHOTT OF**  
2 **PERSONNEL DEPLOYMENT, AT MCSO EXPENSE, FOR THE "SMILE**  
3 **YOU'RE UNDER ARREST" TELEVISION PROGRAM - SUBJECT:**  
4 **HENDERSHOTT**  
5 (Munnell Memo p. 50)  
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7 **Chief Deputy David Hendershott**

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9 H24A. Allegedly, circa 2008, Chief Deputy David Hendershott, in meetings with  
10 producers for the "Smile You're Under Arrest" program, inappropriately  
11 volunteered for MCSO to pay for the costs of staffing Deputies for the  
12 productions, and substantial overtime costs were incurred by MCSO.  
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14 **MUNNELL'S WRITTEN ACCOUNT**

15 **Smile You're Under Arrest television program**

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17 Producers from a company affiliated with the FOX Network approached you and Hendershott  
18 about a producing a segment for a police series where the TV crew would film the actions being  
19 taken by our law enforcement Officers during a special warrant operation. Chief Barkell was not  
20 invited initially to the meeting but was brought in at the last minute as money issues were being  
21 discussed. She had always advised Hendershott that any time money was to be paid to staff, the  
22 operation should be on after duty hours and the company pays the Officers participating in the  
23 program.  
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26 In fact, the production company involved offered to pay the Officers involved in the operation, but  
27 Hendershott irresponsibly stated that this was an operation that would normally be done and the  
28 salaries of the Deputies and the office would cover their expense. When Overtime was discussed,  
29 Hendershott further stated that there would be no overtime and Officers would flex any overtime  
30 worked.  
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33 However, at a time when jail facilities and patrol Deputies were restricted to using overtime for  
34 emergencies only, there was no such restriction on the Deputies assigned to the production crew  
35 for the show. In fact, the Commanders overseeing the operation were so concerned about the  
36 potential negative media due to the huge overtimes costs associated with the filming, a decision  
37 was made to begin routine warrant attempts that were not associated with the program.  
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40 Sources close to the operation and Chief Barkell estimate that over \$300,000 was paid in overtime  
41 from the Sheriff's Office general fund account during filming. When Chief Barkell brought the  
42 situation to the attention of Hendershott, Barkell was told not to worry about it as the show had  
43 completed their work and there was no the Sheriff's Office would get reimbursed from the show's  
44 producers.  
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46  
47 When news of this program came to the attention of the various media outlets, this office  
48 stonewalled releasing any specific expense information regarding the exorbitant cost of the  
49 operation and ultimately claimed such records did not exist, when clearly they could have been  
50 provided.

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49 **WITNESSES LISTED BY MUNNELL**  
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1	Director Steve Werner	Commander and told Munnell about matter.
2	Executive Chief Scott Freeman	Bureau Commander over the detail.
3	Executive Chief Loretta Barkell	Finance Chief .
4	Deputy Chief Paul Chagolla	PIO likely involved in FOI over matter.
5	Captain David Letourneau	Participated in Detail can ID office personnel.
6	Communications Lisa Allen	Involved in production meetings.
7	Chief Deputy David Hendershott	Involved in production meetings.

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9 **DOCUMENTARY EVIDENCE**

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11 **Exhibit Z1. MCSO Research re: "Smile You're Under Arrest" 2008 (Bates**  
12 **AI0004808-4817)**

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14 On December 12, 2008, Stephen Lemonszelli of the *New Times* submitted a public  
15 records request for various documents relating to the MCSO participation in the Fox  
16 reality series, "Smile You're Under Arrest." MCS responded on or about January 8,  
17 2009. According to the letter from Lieutenant D. Colhane, Legal Liaison Section  
18 Commander, MCSO participated in the production as a public service, and the  
19 production filming was coordinated by the Sheriff's Office Media Relations Office. No  
20 records were maintained by the Media Relations Office of the individual employees  
21 participating in the event or relating to the compensation of personnel. Fox network did  
22 not provide compensation to the Sheriff's Office. Further, the Sheriff's Office did not  
23 enter into a formal contract with Fox, although an "accord" was agreed upon by Fox and  
24 MCSO.

25  
26 This accord took the form of a May 30, 2007 letter from Satin Productions, Inc. to Sheriff  
27 Arpaio the funding of the project, from the MCSO standpoint, is not set forth with clarity,  
28 however, Satin Productions did agree to indemnify and hold harmless the department,  
29 in regards to insurance specifications, if needed. It was also noted that Satin  
30 Productions would "rely on the Sheriff's Department expertise to provide adequate  
31 manpower in order to appropriately accommodate each sting." The Sheriff's Office was  
32 also given the opportunity to review the segments, and Satin Productions would take  
33 out any passages that showed the department in "less than the best possible light." As  
34 reflected in the letter, "our goal is to make you and your department look good, not to  
35 mention extremely efficient, resourceful and clever."

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37 **WITNESS ACCOUNTS**

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39 **Frank Munnell**

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41 Munnell's information on this issue comes from Steve Werner, who was involved at the  
42 time as the Commander of the unit, and advised Munnell of the overtime that was  
43 incurred. Munnell's account as to what transpired is found on pp. 87-88 of Exhibit II  
44 28b.  
45

1 Lisa Allen

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3 Ms. Allen indicated that she was present during discussions with the producers of the  
4 *Smile You're Under Arrest* program. She acknowledged that originally, the producers  
5 said that they would pay for the cost of the overtime for MCSO personnel, and  
6 Hendershott that the Sheriff's Office would take care of any overtime. It was her  
7 understanding that the overtime incurred was substantial. As she put it:

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9 A: I thought it was like \$200 [\$200,000] and something, but, and yes, because  
10 when he made that claim, I remember now, I was like shocked. Like why would  
11 we do that? Why would we ever offer to pay for overtime? When we make these  
12 calls, you know, maybe he thought it wasn't going to be much money and then it  
13 turned out to be a whole boatload of money because he's, you know, he's  
14 unfamiliar with how these things can go. (p. 38, Exhibit II2a)

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16 She believes that this information was communicated in a telephone conversation, but  
17 she was not certain. Basically, as she put it, "he said, 'no, don't worry about overtime  
18 we'll handle it.'" (p.30, Exhibit II2a)

19  
20 Loretta Barkell

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22 Barkell was not involved in the initial meetings with the production company, but was  
23 provided information after Chief Hendershott had the meetings. She believes that  
24 Deputy Chief Steve Werner was also involved and provided information to her. From  
25 what she understood, the company had come in and offered to pay all the expense  
26 associated with the television show, including the salaries and overtime, so they could  
27 film the Sheriff's Office in action. Loretta believes that she was excluded from the  
28 meetings, because she would have brought up questions about how much it was going  
29 to cost, whether it needed to be taken before the Board of Supervisors for approval, and  
30 so forth. What Loretta understood was that, even though the production company had  
31 been willing to pay for salaries and overtime, Chief Hendershott said that MCSO would  
32 take care of it, and that there would be no overtime, because everything would be  
33 scheduled. It was Steve Werner who came to her and advised that Hendershott had  
34 just turned down the money for the operation and said that there would be no overtime,  
35 but Werner was concerned because he thought that there would be overtime. Loretta  
36 thought that the overtime involved was close to \$80,000. These events took place in  
37 2007 or 2008, prior to the election. Loretta perceived what occurred to have been a  
38 "calculated error in judgment" by Chief Hendershott. When asked what she meant by  
39 use of the term "calculated" Barkell's response was as follows.

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41 Purposely not finding out if you had to go to the Board of Supervisors, not  
42 seeking compensation. Not making sure the liability insurance for the guys was  
43 in place. I mean, he, he had already experienced all of that with me before. So,  
44 he purposely did not include me in that meeting because I'm bad news Sally when  
45 it comes to anything like this. (p. 72, Exhibit II6a)

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2 Loretta indicated that the overtime costs were at least \$80,000 and that the total costs,  
3 including regular salaries, was approximately \$300,000, based on her understanding of  
4 the number of people who were working on the project.

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6 **Ray Churay**

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8 Churay denied being involved in the "Smile, You're Under Arrest" television program.

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10 **Paul Ellis**

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12 Lt. Ellis denied any information or knowledge about the Smile, You're Under Arrest  
13 television program.

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15 **David Hendershott**

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17 Hendershott provided a history as to how MCSO became involved (see p. 38, Exhibit  
18 II16e) and indicated that it was essentially a warrants program. He advises that MCSO  
19 arrested about 320 people on warrants, and of that only 10 people qualified for the  
20 Smile You're Under Arrest detail, because the other suspects were considered too  
21 violent and apprehension of them would be inappropriate or unsafe for the program.

22  
23 Hendershott was asked about the specific allegations made in the Munnell Memo. He  
24 did not recall Loretta Barkell being brought in during a meeting with the production  
25 personnel. As to the claim in the Munnell Memo that Hendershott had stated that it was  
26 going to be a normal operation, and that the salaries of the Deputies would be covered  
27 by MCSO, and that Hendershott indicated that there would be no overtime, Hendershott  
28 said that he did not remember the conversation, while acknowledging that overtime is a  
29 "bad thing," and he and others were constantly preaching for overtime to be flexed out.  
30 He also indicated that it was a law enforcement operation, and not a "Smile You're  
31 Under Arrest operation." (p. 38, Exhibit II16e)—Hendershott had envisioned this as  
32 deputies just doing their jobs and not putting in additional time, or overtime, because of  
33 the association of their efforts with the television show. Hendershott did not know  
34 whether overtime of over \$300,000 was incurred during the filming of the production, by  
35 MCSO personnel. He further denies any recollection of Chief Barkell bringing the  
36 overtime situation to Hendershott's attention, and Hendershott telling Barkell not to  
37 worry about it. Hendershott's position was that if MCSO did spend \$300,000 it was not  
38 on the Smile You're Under Arrest operation, but on the warrants detail which actually  
39 arrested over 300 people.  
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